



Lee J. Lefkowitz
LLefkowitz@zarin-steinmetz.com

July 8, 2025

Via ECF and Fax (914-390-4179)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/10/2025

Hon. Nelson S. Román
United States District Court for the Southern District of New York
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, New York 10601-4150

Re: Colabella, et al. v. Cronus Home Inspection LLC, et al.
No. 25-cv-04448-NSR

Dear Judge Román:

On behalf of Plaintiffs, we write in connection with the motion to dismiss Defendants filed yesterday without first seeking leave.

Your Honor's Individual Rules 3(A)(ii) and 3(F) require that a party first send a letter seeking a pre-motion conference before making a motion to dismiss. Defendants' counsel appeared in the case for the first time yesterday and immediately filed their motion without sending any letter seeking the conference. We ask that Your Honor strike the unauthorized motion and allow the parties to discuss the contemplated motion at a conference, or in an exchange of letters, so that the issues can be narrowed and—if a motion is permitted—a briefing schedule can be set, as is the ordinary practice.¹

We thank the Court for its time and consideration.

The Court is in receipt of Plaintiffs' letter dated July 8, 2025 requesting that the Court dismiss Defendants' motion to dismiss for failure to follow the Court's Individual Rules of Practice. Plaintiffs' request is GRANTED. Defendants' motion to dismiss is DENIED without prejudice to renew. Defendants are directed to consult the Court's Individual Rules of Practice before re-filing. The Clerk of Court is directed to terminate the motion at ECF No. 13.

Dated: July 10, 2025
White Plains, NY

SO ORDERED:

NELSON S. ROMÁN
United States District Judge

cc: All Parties via ECF

Respectfully,

ZARIN & STEINMETZ LLP

Lee J. Lefkowitz

¹ We note that counsel's filing of the motion also fails to adhere to Your Honor's Individual Rule 3(C), which requires all motion papers be filed on the ECF docket only after reply papers have been served.

MEMO ENDORSED